

REMARKS

Claims 1-19, 21, 22, 24-32, 34, and 36-40 are pending in the present application. Claims 20, 23, 33 and 35 are canceled herein. Claims 1, 21, 24, 34, 36 and 37 have been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Double Patenting Rejection

Claims 1-40 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-58 of copending Application No. 09/904,014. Applicants have amended the pending claims and will hold filing a terminal disclaimer in abeyance until the claims of the present application have been allowed.

Claims 1-40 are also provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-75 of copending Application No. 09/904,014. Applicants note that Application No. 09/904,014 has not had 75 pending claims, but has 58 total claims. Applicants request that the Examiner withdraw this double patenting rejection or clarify it in the event reference to another Application was intended.

Rejections under § 112

Claim 11 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to provide antecedent basis for the limitation “the public switched telephone network.” Applicants note that such limitation “the public switched telephone network” does not appear in claim 11 but rather appears in claim 12. Applicants assume that the rejection was intended for claim 12. At any rate, “the public switched telephone network” in claim 12 is amended herein to “a public switched telephone network” and thus this rejection is overcome.

Claims 21 and 33 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting “ones of said prison facilities” and “ones of said plurality of prison facilities.” Applicants respectfully traverse these rejections. Applicants have amended claim 21 herein to recite “one of said plurality of prison facilities” and thus this rejection is overcome. Claim 33 is canceled herein, and thus the rejection of claim 33 is now moot.

Rejections under §§ 102(e) and 103(a)

Claims 1-4, 6-15, 17, 18, and 20-38 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Patent No. 6,985,478 to Pogossiants, et al. (hereinafter “Pogossiants”). Claims 5, 19, and 40 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Pogossiants in view of U.S. Patent No. 6,320,948 to Heilmann, et al. (hereinafter “Heilmann”). Claims 16 and 39 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Pogossiants in view of U.S. Patent No. 6,654,722 to Aldous, et al. (hereinafter “Aldous”). Applicants respectfully traverse these rejections.

Claim 1 requires:

the second processor-based system providing unauthorized call activity determination functionality to monitor connected calls at a point outside the digital data network and to provide call intelligence for use in determining whether a particular call between one of said plurality of telephone terminals and one said user terminals external should be allowed to continue.

Claim 21 requires:

the call processing platform providing unauthorized call activity determination functionality to monitor connected calls at a point outside the digital data links and to provide call intelligence for use in determining whether a particular call between a telephone terminal within one of said prison facilities and a user terminals external to said prison facilities should be allowed to continue.

Claim 34 requires:

monitoring connected calls at a point outside the digital data links and to provide call intelligence for use in determining whether a particular call between one of

said telephone terminals and a user terminal external to said prison facilities should be allowed to continue.

These features were previously recited in canceled claims 20, 23, and 35, for example. The Examiner cited column 20, line 56-67 of Pogossiants as teaching these features. Office Action at 9, 10, 13-14. The cited section of Pogossiants does not teach or suggest detecting “unauthorized call activity” as required in the pending claims. Instead, Pogossiants determines whether “a command to SWE to initiate a call request” is valid. Pogossiants at column 20, lines 63-65. Determining whether a call request is valid/invalid, as taught in Pogossiants, is not the same as determining whether activities occurring during a connected call are authorized/unauthorized as required in claims 1, 21, and 34. In the Pogossiants system, if the call request command identifies an invalid port or otherwise does not include the correct information to establish a call, then the call request is invalid. *Id.* at lines 56-65. On the other hand, in claims 1, 21 and 34, it is determined if an already connected call is associated with unauthorized call activity and, therefore, should be allowed to continue.

The cited section of Pogossiants relates to setting up calls, while the pending claims relate to what happens on a call after it is set up - i.e. during a connected call. The Pogossiants reference does not teach or suggest monitoring an existing call connection for unauthorized activity or taking action in response to unauthorized call activity. The Heilmann and Aldous references fail to correct the deficiencies of Pogossiants and fail to teach the monitoring an existing call connection for unauthorized activity or taking action in response to unauthorized call activity as required in claims 1, 21 and 34.

Furthermore, claims 1, 21, and 34 require that call monitoring for unauthorized call activity takes place at a point outside the digital data network or digital data links. This has the benefit that unauthorized call activity detection can be carried out with respect to telephony

signals that have not been compressed and packetized by the VoIP gateway. See, e.g., specification paragraph [0052]. Pogossiants, Heilmann, and Aldous all fail to disclose or suggest that call monitoring for unauthorized call activity takes place at a point outside the digital data network or digital data links.

Therefore, the cited references and proposed combinations do not teach or suggest each and every feature of claims 1, 21 and 34. Applicants respectfully request that the Examiner withdraw the rejections of claims 1, 21 and 34 and allow the claims.

Claims 2-19, 22, 24-33, and 36-40 depend from claims 1, 21, and 34, respectively, and add further limitations. It is respectfully submitted that these dependent claims are allowable for at least the same reasons as set forth above with respect to independent claims 1, 21 and 34.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner please contact Applicants' attorney at the address below.

Applicants hereby request a 3-month extension of time for reply to the November 28, 2007 Office Action. In the event that the enclosed fees are insufficient, please charge any additional fees required to keep this application pending, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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